

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISON

KARISSA BOISSELLE,	)	CASE NO. 3:19-CV-02522
	)	
Plaintiff,	)	
	)	MAGISTRATE JUDGE
v.	)	WILLIAM H. BAUGHMAN, JR.
	)	
COMMISSIONER OF SOCIAL	)	MEMORANDUM OPINION AND
SECURITY,	)	ORDER
	)	
Defendant.	)	

Plaintiff Karissa Boisselle has appealed from the final decision of the Commissioner of Social Security denying her applications for disability insurance and supplemental security income benefits. The parties have consented to my jurisdiction,<sup>1</sup> have fully briefed their respective positions,<sup>2</sup> and have participated in an oral argument.<sup>3</sup>

The Supreme Court in *Lucia v. Securities & Exchange Commission*<sup>4</sup> ruled that the ALJs of the Securities and Exchange Commission had not been appointed in a constitutionally legitimate manner and that remand for de novo review before a different

---

<sup>1</sup>ECF #14.

<sup>2</sup> ECF #s 15, 17.

<sup>3</sup>ECF #21.

<sup>4</sup> 138 S.Ct. 2044 (2018).

ALJ was required.<sup>5</sup> In anticipation of similar challenges to decisions of Social Security ALJs, the Acting Commissioner of Social Security ratified the appointments of all Social Security ALJs on July 16, 2018.<sup>6</sup> The ALJ in this case entered her decision in this case on July 12, 2018, before the reappointment.<sup>7</sup>

Recently the Sixth Circuit decided a group of cases, the decision bearing the caption of *Ramsey, et. al v. Commissioner of Social Security*,<sup>8</sup> addressing the issue of whether the appealing claimants had waived challenges to the constitutional legitimacy of the ALJs by failing to assert those challenges during the administrative proceedings in those cases. The Court ruled that the appellants had not waived those challenges.<sup>9</sup>

Boisselle, like the claimants in *Ramsey*, had her claim denied by an ALJ appointed in a non-legitimate manner. Consistent with the Sixth Circuit's decision in *Ramsey*, to the Social Security Administration for a new hearing before an ALJ other than the ALJ who presided over the original hearing.<sup>10</sup>

IT IS SO ORDERED.

Dated: September 30, 2020

s/William H. Baughman Jr.  
United States Magistrate Judge

---

<sup>5</sup> Id. at 2055.

<sup>6</sup> *Ramsey v. Comm'n of Soc. Sec.*, 2020 WL 5200979, at \* (6<sup>th</sup> Cir. Sept. 1, 2020).

<sup>7</sup> Tr. 28.

<sup>8</sup> Id.

<sup>9</sup> Id. at \*7.

<sup>10</sup> Id. at \*8.